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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00282-JW
Plaintiff,	)	STIPULATION REGARDING
v.	)	EXCLUDABLE TIME AND <del>[PROPOSED]</del>
TRAVIS TOOLE,	)	ORDER
Defendants.	)	

It is hereby stipulated and agreed between defendant Travis Toole, and defense counsel Jesse Garcia, and the United States as follows:

A status conference was set for July 25, 2005 at 1:30 p.m. before the Honorable James Ware. Defense counsel Jess Garcia has a state court conflict for the hearing and requests that this matter be continued to August 22, 2005 at 1:30 p.m.

The parties stipulate and move the Court to exclude time under the Speedy Trial Act from July 25, 2005, until the next status conference on August 22, 2005, because the parties believe that the ends of justice served by the granting of such a continuance outweigh the best interests of the public and the defendant in a speedy trial, particularly since reasonable time is needed for the defense to prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A),

STIPULATION REGARDING EXCLUDABLE TIME AND ~~[PROPOSED]~~ ORDER  
CR 05-00282-JW

1 3161(h)(8)(B)(ii). The parties further stipulate that time may be excluded for reasonable time for  
2 defense preparation, since the failure to exclude time would deny counsel for the defendant  
3 reasonable time necessary for effective preparation, taking into account the exercise of due  
4 diligence, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

5 So stipulated.

6 Dated: July 22, 2005

KEVIN V. RYAN  
United States Attorney

7  
8  
9 /s/  
MARK L. KROTOSKI  
Assistant United States Attorney

10 So stipulated.

11 Dated: July 22, 2005

12 /s/  
13 JESSE GARCIA  
Attorney for Defendant Toole

**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the time between July 25, 2005 and August 22, 2005 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: July22, 2005

/s/ James Ware  
JAMES WARE  
United States District Judge